

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

KHALID IDRISI HAMLILI,)	
Plaintiff,)	
)	
v.)	C.A. No. 21-390-JJM-PSA
)	
CARLINE VILBON,)	
Defendants.)	
)	

ORDER

Carline Vilbon filed a Notice of Removal of a Rhode Island Family Court matter. She also filed an Application to Proceed *in forma pauperis*. ECF No. 2. In connection with a proceeding *in forma pauperis*, the Court is required to screen the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A. Having done so, the Court concludes that it lacks subject matter jurisdiction, and that Ms. Vilbon has failed to state a claim on which relief may be granted. Therefore, the matter was improperly removed and must be remanded to the state court.

If a party invokes subject matter jurisdiction, it must show by a preponderance of the evidence that jurisdiction is proper. *Padilla-Mangual v. Pavia Hosp.*, 516 F.3d 29, 31 (1st Cir. 2008). The Court may look to materials beyond the pleadings when deciding on a Rule 12(b)(1) motion. *Gonzalez v. United States*, 284 F.3d 281, 288 (1st Cir. 2002).

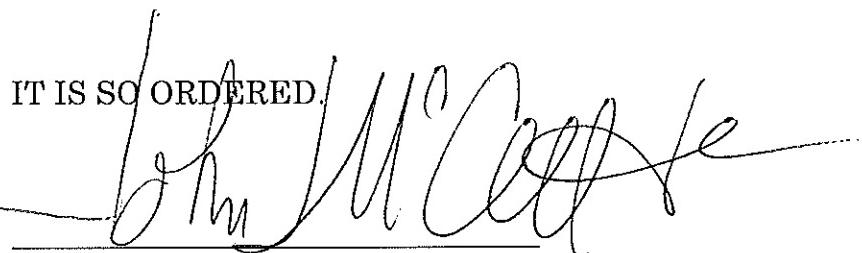
Ms. Vilbon alleges a right to remove under 28 U.S.C. § 1443 because she asserts a federal claim, to wit, that the state court “denied [her] motion and declined to hear [her] argument . . . [and that the state court] denied due process and equal protection

of the law by the state court.” ECF No. 1 at 2. She is displeased that the state court denied her motion for summary judgment in a state court civil family dispute.

This court lacks subject-matter jurisdiction pursuant to the *Rooker-Feldman* doctrine. The *Rooker-Feldman* doctrine bars “state-court losers complaining of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 281 (2005).

Here, the Rhode Island state court has a pending case before it involving the “marital contract.” Because this Court lacks subject matter jurisdiction over matters inviting the federal court to review and rule upon pending state court matters, the Court DENIES Ms. Vilban’s Motion for Leave to Proceed in forma pauperis (ECF No. 2) and REMANDS this matter to the Rhode Island Family Court.¹

IT IS SO ORDERED.


John J. McConnell, Jr.
Chief United States District Judge

October 4, 2021

¹ Ms. Vilbon had removed another state court case to this Court that the Court also remanded under *Rooker-Feldman*. C.A. 21-371-JJM-LDA.